

*Contd*  
the form of a circle, thereby severely restricting the shape of an object that can be inserted into the passage and the ability of a person to lodge such object transversely in the passage.

*a2* *b4.2* The grille as defined in Claim <sup>1</sup>~~2~~ and ~~3~~, the cross-sectional <sup>being</sup> area <sup>circular</sup> being generally uniform.

*Add*  
*DI*  
REMARKS

The Applicant has carefully considered the effect of the references cited by the Examiner in the Examination Report. It is respectfully submitted that claim 1, as amended, effectively distinguishes over the references taken individually or in any permissible combination.

The Applicant would like to thank the Examiner for his analysis. The Examiner's analysis demonstrated that claim 1, as originally submitted, was too broad. The Applicant would also like to thank the Examiner for noting the potential problems under 35 U.S.C. 112, it is believed that those problems have been addressed in the claim amendments.

One encouraging aspect of the Official Action was the fact that the art cited by the Examiner could not be used to address the problem solved by the Applicant's invention. The problem the present invention was intended to address is described on page 1 commencing at line 14;

"An ongoing problem with such air grilles has been the propensity of some inmates to inflict injury upon themselves by suspending themselves from such air grilles."

And on page 1 at line 24;

*6*

"What is required is a grille which will render it extremely difficult, if not impossible, for inmates to thread a makeshift rope through a passage for the purpose of inflicting personal injury upon themselves by "hanging"".

In his analysis the Examiner relied upon the Levinsen reference. As noted by the Examiner the Levinsen reference "defines a zig zag course thereby excluding a direct path from one side of the grill to the other". However, if a grille constructed in accordance with the teachings of the Levinsen reference were to be installed in a mental hospital, prison or other such "security institution" an inmate would have little difficulty in hanging himself from such grille. The Examiner will note that there are numerous attachment points on Levinsen. A knife, stick or other object can be jammed between windscoop vanes 38. A makeshift hook can be attached to a rope or a shoe lace and hooked onto windscoop vanes 38, crossbars 37, or the exposed semicircular cross section of ring louvers 33, 34, 35, or 36. It may also be possible to jam a knife between the ring louvers. In the absence of a makeshift hook or a knife, it is still possible with some patience and perseverance to thread a wire, a rope or a shoe lace between respective pairs of ring louvers 33, 34, 35, or 36. This same problem of ease of attachment is encountered in varying degrees with all the prior art references.

The question then becomes what makes the Applicant's invention, as illustrated in the preferred embodiments, suitable for the intended use, whereas the prior art is not? One difference is that passages 18 and 20 are continuous or uninterrupted. There is not a break or gap of any kind through which a shoe lace may be threaded or a hook attached. Another difference is that face 16 is generally planar. It is devoid of appendages of the type common in the prior art. Face 16 has passages 18 or 20 and nothing else. These elements are now described in Claim 1, as amended. A final difference is that

passages 18 and 20 are of uniform cross-section from face 14 to face 16. There is no enlargement part way along the passage into which an object can be wedged. This further element is now described in new Claim 4.


The Applicant wishes to thank the Examiner for noting the drawing objection and the need to complete the claim for priority status based upon the prior Canadian filing. The drawings will be replaced with formal drawings and a certified copy of the Priority Applicant will be filed as soon as a Notice of Allowance issues.

The Applicant thanks the Examiner for making the prior art of record in this application. These references have been reviewed by the Applicant and appear to be no more relevant than the applied art and thus further comment relating thereto is not submitted.

In view of the foregoing amendments and arguments, it is respectfully submitted that the present application is now in a condition for allowance. Action to that end is earnestly requested by the Applicant.

In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account No. 04-0213.

Respectfully submitted,

  
Anthony G. M. Davis  
Attorney for Applicant  
DAVIS, BUJOLD & STRECK  
175 Canal Street  
Manchester, NH 03101  
(603) 624-9220

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on 7.22.93.

By: 

Date: 7.22.93